

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICKY GONZALEZ,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

24-CV-4089 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Auburn Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging that correctional staff on Rikers Island violated his rights during his detention from 2021 to 2022. As set forth below, the Court dismisses the complaint as duplicative of a pending action in this court.

Plaintiff previously filed a duplicate complaint against the same defendants named in this action. *See Gonzalez v. New York City Dep't of Corrs.*, ECF 1:24-CV-3859, 1 (LTS). This new action differs from the pending action only with respect to its exhibits. These exhibits, however, do not appear to be relevant to Plaintiff's underlying claims and it is unclear why he attached the documents.¹ In any event, because Plaintiff's previous action is pending before the Court, and no useful purpose would be served by the filing and litigation of this duplicate lawsuit, the Court dismisses this new complaint without prejudice to Plaintiff's pending case under docket number 24-CV-3859 (LTS).

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this

¹ The documents include sensitive information that must be redacted pursuant to Rule 5.1 of the Federal Rules of Civil Procedure. In an abundance of caution, the Court restricted electronic access to the exhibits.

action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSOIN

The Court dismisses Plaintiff's complaint as duplicative of *Gonzalez v. New York City Dep't of Corrs.*, ECF 1:24-CV-3859, 1 (LTS).

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter a civil judgment in this action.

SO ORDERED.

Dated: July 10, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge